IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 1707/2006

Meghshyam s/o Sadashiv Wadhave ..vs.. The State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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CORAM: A. P. LAVANDE & R. V. MORE, JJ.
DATED : 29th August, 2007

Heard Mr. Gode, Advocate for the petitioner and Ms. Joshi, A.G.P. for the respondents.

The petitioner, who at the relevant time, was serving as 'Talathi', has challenged the orders passed by the respondents imposing punishment of stoppage of one increment with permanent effect.

Seven charges were framed against the petitioner and, thereafter, enquiry was held in terms of Rule 8 of the Maharashtra Civil Services (Discipline and Appeal) Rules. Out of seven charges only four were held to be proved. The Disciplinary Authority concurring with the report of the Enquiry Officer by order dated 01.06.2006 imposed the punishment of

stoppage of one increment with permanent effect. This order was challenged before respondent No. 3, who upheld the punishment by order dated 06.05.2003. Thereafter, an appeal was preferred to respondent No. 2 who also upheld the order passed by respondent 3 by order dated 15.01.2003. The Maharashtra Administrative Tribunal (M.A.T.) also upheld the order passed by respondent No. 2.

Mr. Gode, learned counsel appearing for the petitioner submitted that there is absolutely no material to prove charges which have been held to be proved against the petitioner. He further submitted that the petitioner was not given a copy of the report as required in terms of judgment of the Hon'ble Apex Court in **Managing Director E. C. E. L. Hyderabad ..versus.. B. Karunakar, AIR 1994, SC 1074** and hence the impugned orders are vitiated.

Ms. Joshi, the learned A.G.P. for the respondents submitted that the petitioner was supplied with copy of affidavit during the pendency of the proceeding before Maharashtra

Administrative Tribunal and hence, no prejudice is caused to the petitioner. She further submitted that unless prejudice is made out, no interference is called for in the punishment imposed on the petitioner. She further submitted that having regard to the nature of punishment imposed and the charges proved, no interference is called for in exercise of extra ordinary jurisdiction of this Court.

Having considered the submissions made by the learned counsel for the petitioner and learned A.G.P. we find no merit in the present petition.

Having regard to the charges proved against the petitioner and the nature of punishment, we are of the considered opinion that this is not a fit case in which we should exercise extra ordinary jurisdiction under Articles 226 and 227 of the Constitution of India. The records disclose that copy of report was made available to the petitioner during the course of the proceeding before Maharashtra Administrative Tribunal and the petitioner has not been able to establish any prejudice. We find no ground to interfere with the impugned order. The

petition is, therefore, dismissed with no order as to the costs.

JUDGE **JUDGE**

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